

REMARKS

Claims 1 through 23 are now pending in the application. Claims 4-6 are herein canceled. Claims 1 through 3 are herein amended. Claims 7 through 23 are herein added. The Examiner is respectfully requested to reconsider and withdraw the rejection in view of the amendments and remarks contained herein.

CERTIFIED COPIES OF PRIORITY DOCUMENTS

The Examiner noted on the Office Action Summary sheet that none of the Certified copies of the priority documents have been received and copies of the certified copies from the International Bureau have not been received.

Applicant notes that a certified copy of the priority documents was filed on June 28, 2005. As evidence of this submittal the following documents identified as Exhibits A and B are herein provided:

Exhibit A: a copy of the Transmittal Form dated June 28, 2005 identifying that a certified copy of the priority documents was provided; and

Exhibit B: a copy of the date stamped return receipt postcard identifying that a certified copy of Japanese Priority document No. 2001-299161 was provided.

ABSTRACT OBJECTION

The Examiner objected to the Abstract because it exceeded 150 words. A substitute Abstract is provided herein meeting the 150 word limit. The Examiner is respectfully requested to enter the substitute abstract and withdraw the objection to the abstract.

CLAIM OBJECTIONS

Claims 3 and 6 stand objected to under 37 C.F.R. 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 3 has been amended to place Claim 3 in proper dependent form. The Examiner is respectfully requested to withdraw the objection to Claim 3. Claim 6 has been herein canceled rendering the objection to Claim 6 moot.

REJECTION UNDER 35 U.S.C. § 103

Claims 1 through 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over prior art Figs. 1A-2B in view of Hofmann et al. (U.S. Pat. No. 5,738,180). This rejection is respectfully traversed.

It is initially noted Claims 4 through 6 have been herein canceled, rendering the 35 U.S.C. § 103(a) rejection of Claims 4 through 6 moot.

It is also initially noted Claim 1 has been amended to recite in part:

“said reference protrusion being formed in a rectangular cross-section defining a pair of lateral sides, each of which extends in a lateral direction transverse to said longitudinal direction and has a length greater than that of each lateral side of said clips extending in said lateral direction.”

As noted by the Examiner, Figures 1A-2B do not disclose a third reference protrusion.

Hofmann appears to teach four rubber (same material as resilient pad 26, see column 3, lines 30-31) shaker mounts 44, two of which are positioned between the other

two mounts. The shaker mounts include a spherical portion 46, a circumferential ledge 48 and a circumferential groove 50 (see column 3, lines 17-23). The circumferential ledge 48 and circumferential groove 50 “engage” one of four substantially circular apertures 32 (see column 3, lines 21-23 and figure 2).

Contrary to Applicants protrusion, Hofmann teaches the shaker mounts 44 provide “vibration dampening between the resilient pad 26 and the motorcycle platform 22 (see column 3, lines 20-21). Hofmann further teaches “lateral movements of the footboard assembly 20 will be absorbed by the lip portion 36.” See column 4, lines 5-6. Hofmann therefore does not rely on any of the shaker mounts to prevent lateral movement (or rotation).

None of the prior art Figures 1A-2B or Hofmann et al. teach or suggest a protrusion being formed in a rectangular cross-section defining a pair of lateral sides, each of which extends in a lateral direction transverse to said longitudinal direction and has a length greater than that of each lateral side of said clips extending in said lateral direction.”

The suggested modification of Figures 1A-2B with Hofmann therefore cannot render amended Claim 1 obvious. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 103(a) rejection of Claim 1. Because Claims 2 and 3 depend from amended Claim 1, the suggested modification of Figures 1A-2B with Hofmann cannot render Claims 2 or 3 obvious for at least the same reasons. The Examiner is respectfully requested to withdraw the 35 U.S.C. § 103(a) rejection of Claims 2 and 3.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: August 23, 2005

By: 
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EXHIBIT A

PTO/SB/21 (04-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

	Application Number	10/805,985	
	Filing Date	03/22/2004	
	First Named Inventor	Hiroyuki Kato	
	Art Unit	3764	
	Examiner Name	Bradley J. Van Pelt	
Total Number of Pages in This Submission		Attorney Docket Number	0275M-000657/COB

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input checked="" type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) ____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Postcard
Remarks The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 02-2550. A duplicate copy of this sheet is enclosed.		


SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name Christopher M. Brock	Reg. No. 27313
Signature			
Date	June 28, 2005		

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Christopher M. Brock	Express Mail Label No.	EV 570 164 614 US (6/28/2005)
Signature		Date	June 28, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EXHIBIT B

Applicant:	Hiroyuki Kato	Case No.:	0275M-000657/COB
Serial No.:	10/805,985	Filing Date:	03/22/2004
Title: Footrest Plate And Footrest Plate Mounting Assembly			
Please acknowledge receipt of: Transmittal Form with Certificate of Mailing - EV 570 164 614 US (6/28/2005) - in duplicate; and certified copy of Japanese Priority Document No. 2001-299161.			
EV 570 164 614 US			
By stamping and returning to Harness, Dickey & Pierce, P.L.C.		USPTO Date Stamp	
Due:	Date Mailed: 06/28/2005	Attorney: CMBrock	